

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 4:04CV548 HEA
	)	
NORIEL SNIDER,	)	
	)	
Defendant.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's Motion for Reconsideration of the Court's ruling denying Defendant's Motion for a Reduction of his Sentence pursuant to 18 U.S.C. § 3582(c), [Doc. 69]. The Government opposes the Motion. For the reasons set forth below, the Motion is denied.

On March 17, 2008, the Court entered its Order denying Defendant's *pro se* Motion for Reduction of his sentence because he was ineligible for a reduction due to his status as a career offender. Defendant now moves the Court to reconsider this denial, arguing the Court has discretion to impose an amended sentence.

As the Government argues, the Eighth Circuit Court of Appeals has consistently held that the Sentencing Commission did not lower the sentencing range for career offenders under USSG 4B1.1 and therefore, a defendant sentenced as a career offender is not eligible for a reduction in sentence under Section 3582(c)(2). See *United States v. Tingle*, No. 08-1777, 524 F.3d 839 (8th Cir. 2008); *United States v. Embry*, No. 08-1693, 2008 WL 1958999 (8th Cir. 2008); *United States v.*

*Primers*, No. 08-1846, 2008 WL 1959043(8th Cir. 2008); *United States v. Clay*, 524 F.3d 877 (8th Cir. 2008); *United States v. Miranda*, 524 F.3d 840 (8th Cir. 2008); *United States v. Thomas*, 524 F.3d 889 (8th Cir 2008). This Court is not at liberty to ignore the Eighth Circuit's current jurisprudence to impose a reduced sentence based on Defendant's disagreement with controlling law.

Accordingly,

**IT IS HEREBY ORDERED** that the Motion for Reconsideration of the Court's ruling denying Defendant's Motion for a Reduction of his Sentence pursuant to 18 U.S.C. § 3582(c), [Doc. No. 69], is denied.

Dated this 17th day of July, 2008.



---

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE